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PETROLEUM MARKETERS ASSOCIATION OF AMERICA

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RSPA-99-6223-21

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Dockets Management System
U.S. Department of Transportation
Room PL 401
400 Seventh St., SW
Washington, DC 20590-0001

RE: PMAA Comments on DOT's Advanced Notice of Proposed Rulemaking on Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids

Docket No. RSPA-99-6223 (HM-213B)

The Petroleum Marketers Association of America (PMAA) appreciates the opportunity to comment on the Research and Special Programs Administration's (RSPA) Advanced Notice of Proposed Rulemaking (ANPRM) on Hazardous Materials: Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids.

PMAA is a federation of 44 state and regional trade associations representing 8,000 small, independent petroleum marketers. These marketers sell nearly half the gasoline, over 60 percent of the diesel fuel, and approximately 85 percent of the home heating oil consumed in this country annually. Our members transport flammable liquid in cargo tank trucks with wetlines that are attached to the underside of the trucks, and we are therefore interested in this advanced notice of proposed rulemaking.

In general, PMAA is opposed to any requirement to either retrofit or to modify new tank trucks. PMAA believes that the risk of an accident involving wetlines is minimal and does not justify the costs to do so. This point can be illustrated by noting that from the period of 1996 through 2000, there were 6 fatalities involving wetlines. According to the National Highway Traffic Safety Administration's Fatality Analysis Reporting System, during this same period there were 2090 fatalities involving cargo tank motor vehicles.[1] This means that in fatal accidents during this period involving cargo tank motor vehicles, there was a less than 0.3% chance of a fatality involving wetlines. If the entire universe of fatal crashes were

[1] 49 CFR 171.8 defines a cargo tank motor vehicle as a "motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the vehicle." A cargo tank is defined as a "tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings, and closures." Wetlines are considered to be fittings on the cargo tank. Therefore, cargo tanks with wetlines are covered under the definition of a cargo tank motor vehicle.

considered during the same period—186,591—the odds of a fatal accident involving wetlines during that period becomes 0.003%.

In the notice, RSPA asks for comments and feedback on specific questions raised by the agency. The following is PMAA's response to many of those questions. Please note that where we feel other stakeholders have more knowledge of the subject being asked about, we defer to their comments.

General Questions

1. Q: Are the statistics and data (e.g., cargo tank population, useful life of a cargo tank, accident frequency and consequences), costs (e.g., purging system, short-loading lines, new construction, retrofit), and potential benefits (e.g., fatalities, injuries, and property damages prevented) provided in this ANPRM accurate?
   A: PMAA will defer to the truck and equipment manufacturers to assess the data provided.
2. Q: What is the useful life of a cargo tank motor vehicle utilized for the transportation of flammable liquids?
   A: The useful life of a cargo tank motor vehicle for petroleum marketers is approximately 15 to 20 years.
3. Q: What percentage of cargo tank motor vehicles are operated at maximum weight limits such that any additional weight of a system to eliminate wetlines would impose a weight penalty?
   A: Cargo tank motor vehicles which our members carry petroleum products in are usually at the maximum weight limit when they leave the loading rack. As the truck is unloaded throughout the route, the weight decreases.
4. Q: For cargo tank motor vehicles in flammable liquid service, what is the average distance per trip?
   A: There is no way to estimate an "average" distance of a route for PMAA members since it varies dramatically by location. For example, in rural farming communities, the route may be well over 100 miles. In more urban areas, the route could be considerably less.
5. Q: In addition to the potential benefits described in this ANPRM, are there additional benefits, measurable or otherwise, that would result from implementation of measures to reduce wetlines risks?
   A: PMAA does not believe that any additional benefits would occur if RSPA requires safety measures for wetlines. In addition, many vehicles on the road now would likely rupture the tank of a cargo trunk, rendering any new rules involving wetlines useless. Finally, RSPA's suggestion of possibly requiring that wetlines be empty may also impose a risk. Empty wetlines with gasoline vapors are likely to explode upon impact, causing a risk of fire.
6. Q: Should a benefit-cost analysis include the reduction of risks associated with low-frequency, high-consequence events?
   A: PMAA believes that any cost-benefit analysis should consider that accidents with wetlines are, considering the number of tank trucks and especially the number of miles driven per year, extremely rare.

7. Q: Would requirements for systems to reduce the risk posed by wetlines for all newly constructed cargo tank motor vehicles result in significant reductions in per unit cost because of economies of scale?
   A: PMAA will defer to the truck and equipment manufacturers on this question.

Current Market Practices

1. Q: What safety practices, other than those described in this ANPRM, are motor carriers currently utilizing to reduce the risks associated with the transportation of flammable liquids in wetlines?

   A: Petroleum marketers are subject to numerous federal and state regulations regarding training for driver safety. Drivers, especially those with a hazardous materials endorsement, must undergo specific training and review. This helps to ensure that the best safety practices are utilized. In addition, our members conduct company-specific safety training.
2. Q: How effective are these safety practices in reducing the risks associated with wetlines on cargo tanks?
   A: The number of accidents involving wetlines is small enough to conclude that current regulations are sufficient.
3. Q: What are the costs of these safety practices currently utilized?
   A: The amount is difficult to determine since our member's operations vary so widely by size and operations.
4. Q: Would an industry or industry/government sponsored research initiative to explore new methods to eliminate wetlines be of value?
   A: No. As stated in the ANPRM, the American Petroleum Institute (API) conducted an extensive study in 1994 which analyzed the risks posed by existing industry practices. The study concluded that the probability of a fatality being directly attributed to wetlines was "quite low." PMAA's own analysis of the issue concurs with API. Since the risk is so low, we do not believe further research is warranted.
5. Q: If so, what would be the value of such a partnership?
   A: n/a

Facility Modification

1. Q: Concerning the short and recessed loading lines systems described in this ANPRM, what modifications to loading arms or hoses at existing loading racks would be necessary to accommodate short, including recessed within the cargo tank wall, loading lines?
   A: PMAA believes that significant and costly modifications would have to be made.
2. Q: What would be the cost of these modifications?
   A: PMAA will defer to those who design and build loading racks to answer this question.
3. Q: Can loading rack fuel tax accounting systems be modified to allow for product reversal once the cargo tank is full and the internal valves are closed, thus draining the loading lines?
   A: The agency should consult with the terminal operators regarding the viability and costs of these dramatic changes. However, PMAA does believe that any changes to the rack

fuel tax accounting systems should be made at the terminal level, since they are currently responsible for remitting the taxes.

4. Q: Is this option viable?
   A: n/a
5. Q: What would such a modification cost?
   A: n/a

Alternatives

Independent Loading Lines:

1. Q: Are the short and recessed loading lines options practicable for installation on new cargo tank motor vehicles?
   A: No. This system does not solve the perceived problem of wetlines. RSPA states that the loading lines would contain approximately one gallon of fuel. Although this amount is less than is currently held in wetlines, it still does not solve the problem of fuel contained in the unloading wetlines.
2. Q: Are either of these options practicable for installation on existing cargo tank motor vehicles *(i.e.,* retrofit)?
   A: Neither of the options proposed by RSPA are practicable for retrofit due to the costs of doing so. PMAA members are small business owners who do not have the necessary capital to retrofit their trucks.
3. Q: Are there any motor carriers actively operating or contemplating operating cargo tank motor vehicles with such a design?
   A: PMAA does not have any members who are considering retrofitting their trucks due to the costs of doing so outweigh the minimal safety risk.
4. Q: If so, what configuration was utilized and what was the cost to modify the cargo tank?
   A: n/a
5. Q: Would maintaining a vehicle with such a design (i.e., independent loading lines) result in high or lower costs than currently utilized designs?
   A: PMAA will defer to the equipment manufacturers to address this question.

Purging System:

1. Q: How effective is a purging system in reducing the risks posed by wetlines?
   A: A purging system would have the effect of leaving fuel vapor in the wetlines. As stated previously, a ruptured empty wetline could lead to a vapor explosion.

   In addition, purging the pipes, especially in smaller vehicles where there is very little headroom in the tank compartments, could cause the overflow sensors to go off which effectively shuts the loading system down. If this occurs, the driver would have to climb on top of the tank, open the sealed compartment and wipe off the sensor. This not only takes a significant amount of time but is also extremely dangerous.
2. Q: Is a purging system practicable for installation on new cargo tank motor vehicles?
   A: PMAA will defer to the truck and equipment manufactures to address this question.
3. Q: Is a purging system practicable for installation on existing cargo tank motor vehicles *(i.e.,* retrofit)?

A: As with the independent loading lines, retrofitting trucks with a purging system is not practicable due to the costs. In addition, it still leaves a risk of an ignition.

4. Q: Are there any motor carriers actively operating or contemplating operating cargo tank motor vehicles with a purging system?
   A: As with independent loading lines, PMAA does not have any members who are considering retrofitting their trucks due to the costs of doing so and the viewpoint that wetlines pose little safety risk.
5. Q: If so, what configuration is utilized (automatic, manual, other) and what was the cost to modify the cargo tank?
   A: n/a
6. Q: What are the costs to maintain a cargo tank motor vehicle with a purging system installed?
   A: PMAA will defer to the equipment manufacturers to address this question.

Conspicuity:

1. Q: Would improved conspicuity for cargo tank motor vehicles generally, or wetlines in particular, reduce wetlines risks?
   A: The minimal risk that wetlines impose would not be decreased be adding some type of marker to make them more conspicuous. If a vehicle does broadside a tanker truck, the assumption is that the car is out of control and the driver would not be able to steer it away from the wetlines.
2. Q: How effective would improved conspicuity be?
   A: Improved conspicuity would not be effective, due to the reasons stated in the answer to Question 1.
3. Q: Are there marking or lighting systems currently available that could improve the visibility of cargo tank motor vehicles or components of those vehicles to other drivers?
   A: Petroleum tank trucks are currently required to have placarding and other signage on their trucks, along with appropriate lighting. In addition, due to the sheer size of a petroleum tank truck, they are highly visible.

Non-Regulatory:

PMAA does not believe that an awareness campaign, as proposed by RSPA, would have any benefit. In fact, it might cause unnecessary alarm among the public over a risk that we see as so minimal.

Other:

1. Q: In addition to the purging and short-line systems described in this ANPRM, are there other systems currently being marketed or in development that can evacuate wetlines after loading or prevent wetlines from retaining liquid during loading operations?
   A: PMAA is unaware of any other systems but will defer to the truck and equipment manufacturers.
2. Q: What are the costs or projected costs of such systems?
   A: n/a
3. Q: How effective are they?
   A: n/a

4. Q: How close to implementation are systems currently in the development phase?
   A: n/a
5. Q: Are there other concepts, either related to vehicles or facilities, that might have application in reducing the risks posed by wetlines?
   A: PMAA does not know of other concepts and to reiterate, does not believe there needs to be efforts to reduce such a minimal risk. The chances of a fatality resulting from hitting the wetlines on a cargo truck are less than the chances of getting killed by a lightning strike. For such a minute risk, it hardly seems justifiable to proceed with a rulemaking.

Thank you for your consideration of the foregoing comments of the Petroleum Marketers Association of America. If you have any questions on the above, or would like to speak with us further about our concerns, please do not hesitate to contact me at 703-351-8000, ext. 30.

Sincerely,

Laura Tague

Laura Tague
Director of Regulatory Policy